

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**BOND PHARMACY, INC., d/b/a AIS
HEALTHCARE,**

Plaintiff,

v.

**ANTHEM HEALTH PLANS OF
VIRGINIA, INC., d/b/a ANTHEM
BLUE CROSS AND BLUE SHIELD,**

Defendant.

Case No. 1:22-cv-01343-CMH-IDD

PLAINTIFF’S WITNESS LIST

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure and this Court’s July 17, 2023, Order (Dkt. 62), Plaintiff Bond Pharmacy, Inc., d/b/a AIS Healthcare (“AIS”), by and through its undersigned counsel, respectfully submits the following witness list.

AIS does not currently expect to present any testimony by deposition, although Plaintiff reserves the right to do so.¹ Plaintiff reserves the right to call additional witnesses as may be

¹ AIS intends to call two former Anthem employees at trial: Paige Henning and Scott Kovacs. AIS has been informed by Anthem’s counsel that they represent Mr. Kovacs. Both reside in Indiana. As a result, AIS intends to call them as virtual witness to give testimony via Zoom. *See* Fed. R. Civ. P. 43(a) (“For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.”); *U.S. v. Guild*, 2008 WL 191184, at *4 (E.D. Va. Jan. 17, 2008) (permitting remote, live testimony where a witness is outside subpoena range); *see also In re 3M Combat Arms Earplug Prod. Liab. Litig.*, 2022 WL 504451, at *2 (N.D. Fla. Feb. 18, 2022), *objections overruled*, 2022 WL 2436843 (N.D. Fla. Mar. 11, 2022) (“a party may use a Rule 45 subpoena to compel remote testimony by a witness from anywhere so long as the place of compliance (where the testimony will be given by the witness and not where the trial will take place) is within the geographic limitations of Rule 45(c)”; *United States v. \$110,000 in United*

required to authenticate documents or for rebuttal purposes. Plaintiff further reserves the right to call any witness who appears on Defendant Anthem Health Plans of Virginia, Inc., d/b/a Anthem Blue Cross and Blue Shield's ("Defendant's" or "Anthem's") witness list. These disclosures are made without waiver of the attorney-client privilege, attorney work product doctrine, or any other applicable privilege. AIS reserves the right to add to or amend these disclosures as appropriate and/or necessary.

Counsel for AIS represents all current and former AIS employees listed below for purposes of this action. These witnesses may not be contacted directly by Defendant or Defendant's counsel.

Witness	Last Known Address and Phone Number	Expected to Testify at Trial	May Be Called if Need Arises
Simon Castellanos, AIS, Chief Executive Officer	C/O Plaintiff's Counsel	X	
Ross Kamm, AIS, Chief Financial Officer	C/O Plaintiff's Counsel	X	
John Finley AIS, General Counsel and Chief Compliance Officer	C/O Plaintiff's Counsel	X	

States Currency, 2021 WL 2376019, at *3 (N.D. Ill. June 10, 2021) (holding "Rule 45(c) does not limit the reach of a subpoena to only those residing within 100 miles of the pending litigation" and citing advisory committee's note to 2013 amendment that "Rule 45(c)(1)(A) does not authorize a subpoena for trial to require a party or party officer to *travel* more than 100 miles" and that "parties ha[d] proceeded virtually for 15 months") (citations and quotations omitted); *Int'l Seaway Trading Corp. v. Target Corp.*, 2021 WL 672990, at *5 (D. Minn. Feb. 22, 2021) ("Virtual attendance of this nature is consistent with the plain language of Rule 45(c)(1)(A) because . . . [the witness] can comply with the deposition from his home or anywhere else he chooses that is within 100 miles of his residence."). Should any witness fail to appear, AIS reserves the right to submit deposition designations in lieu of live testimony.

Witness	Last Known Address and Phone Number	Expected to Testify at Trial	May Be Called if Need Arises
Beverly Aborne, AIS, Vice President of Financial Services	C/O Plaintiff's Counsel	X	
Dr. Michael R. Dorwart, MD	C/O Plaintiff's Counsel	X	
Dr. Douglas P. Beall, MD	C/O Plaintiff's Counsel	X	
Dr. Stuart Rosenblum	C/O Plaintiff's Counsel	X	
Peter Dressel, Expert	C/O Plaintiff's Counsel	X	
David Franklin, Expert	C/O Plaintiff's Counsel	X	
Paige Henning, Anthem (Former) Head of Contracting	2099 Willow Lake Drive, Newburgh, IN 47630, (812) 480-7068	X	
Scott Kovacs, Anthem (Former) Provider Network Management Director	C/O Defendant's Counsel	X	
Lorrie Cahoon, Anthem Special Investigations Unit	C/O Defendant's Counsel	X	

Dated: November 22, 2023.

Respectfully submitted,

By:



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